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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,866	08/17/2001	Gerard Chauvel	TI-31347	6569

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EXAMINER

KIM, HONG CHONG

ART UNIT PAPER NUMBER

2186

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,866

Applicant(s)

CHAUVEL ET AL.

Examiner

Hong C Kim

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-11 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 12-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

12h

Detailed Action

1. Claims 1-16 are presented for examination. This office action is in response to the amendment filed on 09/20/04.
2. Applicants are reminded of the duty to disclose information under 37 CFR 1.56.
3. Applicants are requested to include the status of the related U.S. applications (i.e. 09/932,556) or patents (i.e. 6,684,280) in the CROSS-REFERENCE TO RELATED APPLICATIONS section and in any other corresponding area in the specification accordingly (e.g., U.S. Patent Application Serial No. ###/###,### filled Sept. 07, 1990, now abandoned; ..., now U.S. Patent #,###,### issued Jan. 01, 1994; or This application is a continuation of Serial Number ###/###,###, filed on December 01, 1990, now abandoned; ...etc.).

DOUBLE-PATENTING

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*,

418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-6, 7, and 12-16 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,684,280 in view of DiBrino U.S. Patent 5,379,434.

As to claim 1, USP 6,684,280 claims a method for prioritizing access to a shared resource in a digital system. However, USP 6,684,280 fails to disclose the step of: initiating an access request by each of the plurality of devices; providing two priority values along with each access request from each device; and arbitrating for access to the shared device by using the higher of priority value from each device.

DiBrino discloses a method for prioritizing access to a shared resource in a digital having a plurality of devices vying for access to the shared resource (Fig. 1 Ref. Mem), comprising the steps of: initiating an access request by each of the plurality of devices (Fig. 1 Ref. MCM); providing two priority values (processor interrupt priority and Processor identification number col. 2 line 64 thru col. 3 lines 11) along with each

access request from each device; and arbitrating for access to the shared device by using the higher of priority value from each device (Fig. 1 Ref. 11 and col. 2 line 64 thru col. 3 lines 11) for the purpose of providing a fairness to each requested device, efficiency to the system busy 100 percent of the time, response and turnaround times to minimum and maximum throughput.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the steps of initiating an access request by each of the plurality of devices; providing two priority values along with each access request from each device; and arbitrating for access to the shared device by using the higher of priority value from each device into the USP 6,684,280 for the advantages stated above.

As to claim 7, the claim 7 encompasses the same scope of the invention as that of the claim 1. Therefore, the claim 7 is rejected for the same reason as the claim 1.

As to claims 2-6 and 12-16, claims are rejected because they incorporate the defect of the parent claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by DiBrino US Patent No. 5,379,434.

As to claim 1, DiBrino discloses a method for prioritizing access to a shared resource in a digital having a plurality of devices vying for access to the shared resource (Fig. 1 Ref. Mem), comprising the steps of: initiating an access request by each of the plurality of devices (Fig. 1 Ref. MCM); providing two priority values (processor interrupt priority and Processor identification number col. 2 line 64 thru col. 3 lines 11) along with each access request from each device; and arbitrating for access to the shared device by using the higher of priority value from each device (Fig. 1 Ref. 11 and col. 2 line 64 thru col. 3 lines 11).

As to claim 7, DiBrino discloses a digital system (Fig. 1) comprising: a shared resource (Fig. 1 Ref. Mem); a plurality of devices (Fig. 1 Ref. MCM) connected to access the shared resource, wherein each device has a request output and circuitry for providing two separate variable priority values (processor interrupt priority and Processor identification number col. 2 line 64 thru col. 3 lines 11); arbitration circuitry (Fig. 1 Ref. 11 and col. 2 line 64 thru col. 3 lines 11).

Claim Rejections - 35 USC ' 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over DiBrino US Patent No. 5,379,434 in view of Holt et al. (Holt) US Patent No. 5,263,163.

As to claim 14, DiBrino discloses the invention as claimed above. DiBrino further discloses the step of providing an access priority value (processor interrupt priority col. 2 line 64 thru col. 3 lines 11) with each request that is responsive to a task currently being executed by the device, however, DiBrino does not specifically disclose providing an address space priority value with each request that is responsive to an address specified by each access request.

Holt discloses providing an address space priority value with each request that is responsive to an address specified by each access request (col. 21 lines 10-18) for the purpose of providing a fairness to each requested device, efficiency to the system busy 100 percent of the time, response and turnaround times to minimum and maximum throughput.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate an address space priority value with each request that is responsive to an address specified by each access as shown in Holt into the invention of DiBrino for the advantages stated above.

Allowable Subject Matter

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8. Claims 2-6, and 12-16, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and overcome double patenting rejections.

9. Claims 8-11 are allowed.

Response to Arguments

10. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO-892.

2. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 USC 133, MPEP 710.02, 710.02(b)).

3. When responding to the office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the

art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections. See 37 C.F.R. ' 1.111(c).

4. When responding to the office action, Applicants are advised to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist examiner to locate the appropriate paragraphs.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong C Kim whose telephone number is 703-272-4181. The examiner can normally be reached on M-F 9:00 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt M Kim can be reached on (703) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

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6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to TC-2100:
(703) 872-9306

HK 
Primary Patent Examiner
December 21, 2004